

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ENERGY WEST, INCORPORATED,

Plaintiff,

v.

UNITED STATES POWER FUND, L.P.,

Defendant.

Civ. No. 1:09-cv-00591
Judge Christopher A. Boyko

**STIPULATION
OF DISMISSAL
WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for plaintiff Energy West, Incorporated and defendant United States Power Fund, L.P. that, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the above-captioned action is hereby dismissed with prejudice, with each party to bear its own attorneys' fees, costs and expenses.

Dated: April 17, 2012

Respectfully submitted,

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Attorneys for Defendant
United States Power Fund, L.P.

SO ORDERED:

Judge Christopher A. Boyko

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was sent via the Court's electronic filing system to all parties of record with the Court on April 18th, 2012. Notice of this filing will be served to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Richard N. Selby, II
Richard N. Selby, II (0059996)